

11-6
Attorney Docket No. 980756D/LHIN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant(s): Hideyuki MASUYAMA

Serial No. : 09/912,899

Filed : July 25, 2001

For : ELECTRONIC CAMERA FOR
MICROSCOPE

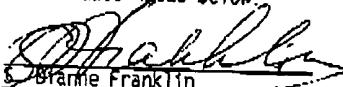
Art Unit : 2872

Examiner : J. c. Rowe

LETTER RE. OFFICE ACTIONCommissioner for Patents
Washington, D.C. 20231

S. I R :

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NOV 15 2002
TECHNOLOGY CENTER 2800CERTIFICATE OF FACSIMILE
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GROUP: 2872TOTAL PAGES: Three (3)
I hereby certify that this
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on the date noted below.
Bramie FranklinDated: November 15, 2002In the event that this Paper
is late filed, and the
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concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by check attached
hereto, authorization to
charge the extension fee to
Account No. 06-1378.

The Office Action dated November 7, 2002 has been received.

PROBLEM:

On page 2 of the Office Action, the Examiner indicated that the Information Disclosure Statement filed July 25, 2002 fails to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each document. The Examiner is wrong in refusing to consider the Information Disclosure Statement for the following reason.

37 C.F.R. 1.98(d) states that copies of publications listed in an Information Disclosure Statement are not required to be provided if the information was cited or submitted in a prior application. In the present case, all of the prior art publications listed in the Information Disclosure Statement were submitted in parent application Serial No. 09/203,638, and the present application relies upon the parent application for an

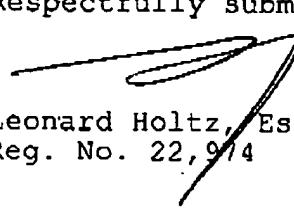
earlier filing date under 35 U.S.C. 120. Thus, according to 37 C.F.R. 1.98(d), it is not required for applicant to provide copies of the documents listed in the Information Disclosure Statement, since these documents were already supplied. In this regard, see also the top of page 13 of the PRELIMINARY AMENDMENT AND INFORMATION DISCLOSURE STATEMENT filed July 25, 2001.

It is respectfully requested that the Examiner supply a fully initialed copy of the Form PTO/SB/08A filed July 25, 2001, to confirm that all of the documents listed therein have been considered and made of record.

For the Examiner's convenience, transmitted herewith is a fresh copy of the Form PTO/SB/08A filed July 25, 2001, for the Examiner's use in providing a fully initialed copy thereof.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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Leonard Holtz, Esq.
Reg. No. 22,974

NOV 15 2002

Dated: November 15, 2002

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USSN 09/912,899
Art Unit: 2872

Pla Nov. 15, 2002 11:48AM CHAUF & PARTNERS

No. 9377 P. 3/3

PTO/SB

From: HOLTZ

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<p>Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p>				Application Number	09/203,638
				Filing Date	HEREWITH
				First Named Inventor	Hideyuki MASUYAMA
				Group Art Unit	2878
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	980756D/LH

U.S. PATENT DOCUMENTS

Exam. Inits.	Cite No ¹	Document Number	Kind Code ²	Name of Patentee or Applicant	Publication Date mm-dd-yyyy	Relevant Portion
		5,134,662		BACUS, ET AL	7-28-1992	
		5,481,401		KITA, ET AL	1-2-1996	
		5,548,661		J.H. PRICE	8-20-1996	
		5,933,513		T. YONEYAMA	8-3-1999	

FOREIGN PATENT DOCUMENTS

Exam. Inits.	Cite No ¹	Offc ³	Document Number ⁴	Kind Code ⁵	Name of Patentee or Applicant	Publication Date mm-dd-yyyy	Relevant Portion	T ⁶
		JP	6-351027	A		12-22-1994		
		JP	7-199077	A		8-4-1995		
		JP	9-102899	A		4-5-1997		
		JP	8-237679	A		9-13-1996		

Examiner
Signature

Date
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Unique citation designation number. ¹ See kinds of U.S. Patent Documents. ² Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Place a check here if English translation is attached.

DATE MAILED: July 25, 2001